IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 430 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RATNABHAI VARVABHAI DESAI

Versus

SHARADKUMAR YUSUF SOLAS CHRISTIAN

Appearance:

MR MEHUL SHARAD SHAH for Appellant

MR PS CHAMPANERI for Respondent No.1

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 17/01/2002

ORAL JUDGEMENT

1. Heard Mr.Mehul S. Shah, learned advocate for the appellant and Mr.P.S.Champaneri, learned advocate for the respondent No.1. Notices, after admitting this appeal have been served on respondent Nos.2/1 to 2/8 and 3. The respondent Nos.2/1 to 2/8 and 3 are absent though duly served.

2. The learned advocates for both the parties

jointly request this Court that this appeal be disposed of by giving suitable directions to the trial Court without assigning reasons. I have gone through the impugned order challenging in this appeal. Looking to the facts and circumstances of the case, this appeal is ordered to be disposed of by giving following directions.

i. The learned Judge of the trial Court is directed to decide and dispose of Civil Suit No.1049 of 1994, which is pending on the file of learned Judge, Court No.22 of City Civil Court, Ahmedabad, as expeditiously as possible preferably on or before 31st December, 2002.

ii. Both the parties are directed to extend fullest co-operation to the learned Judge of the trial Court so as to enable him to dispose of the suit within a given time.

iii. Meanwhile, the order dated 14th July, 1997 passed by this Court (Coram : M.S.Shah,J.) in Civil Application No.7553 of 1996, which has been confirmed by that Bench by its order dated 4th August, 1997 shall remain operative and effective till the final disposal of the suit. Copy of the said orders passed on 14th July, 1997 and 4th August, 1997 in Civil Application No.7553 of 1996 be sent with writ of this order, to the trial Court.

3. In view of the directions given hereinabove, this appeal shall stand disposed of. No order as to costs. Direct service is permitted.

(H.H.Mehta,J.)

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